

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

v.)

JEFFREY HOLLIDAY,)

Defendant.)

M.B.D. NO.

04 MBB 10232

GOVERNMENT'S ASSENTED-TO MOTION FOR CONTINUANCE
PURSUANT TO 18 U.S.C. § 3161(h)(8)(A)

The United States of America, by and through the undersigned counsel, respectfully requests a continuance of the period within which to return an indictment in this matter to October 8, 2004, pursuant to 18 U.S.C. § 3161(h)(8)(A). Defendant Jeffrey Holliday, through counsel, assents to this motion. As grounds for this motion, the government states as follows:

1. On July 20, 2004, defendant Jeffrey Holliday was charged by criminal complaint (M.J. No. 04-867-MBB) with embezzlement of government property, in violation of Title 18, United States Code, Section 641.
2. On August 6, 2004, the defendant had an initial appearance pursuant to Fed. R. Crim. P. 5 before Chief United States Magistrate Judge Marianne B. Bowler. Magistrate Judge Bowler set conditions of release for the defendant and the defendant waived his right to a probable cause hearing.
3. The government and counsel for defendant Holliday are negotiating a potential pre-indictment disposition of this matter, but have not completed those negotiations.

4. Under the terms of the Speedy Trial Act, an indictment or information ordinarily is required to be filed within 30 days after a defendant is served with a summons in connection with charges. See 18 U.S.C. § 3161(b). Although the time within which to return an indictment or information has not yet elapsed with respect to defendant Holliday, the parties jointly request that the Court continue the date for the return of any indictment to October 8, 2004.

5. Charles McGinty, Esq., counsel for the defendant, has advised counsel for the government that he assents to this request for a continuance on behalf of his client. It is the position of the parties that the ends of justice will be best served by this continuance in that it will allow the parties additional time to attempt to arrange a pre-indictment disposition of this matter, thereby conserving judicial, grand jury, and governmental resources. It is the position of the parties that the interests of justice served by the requested continuance outweigh the interests of the defendant and the public in a speedy indictment.

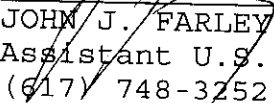
WHEREFORE, for the foregoing reasons, the undersigned respectfully requests that the Court grant a continuance of the period within which to return an indictment in this matter to October 8, 2004, in the interests of justice.

A proposed Order is attached to this motion.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:



JOHN J. FARLEY
Assistant U.S. Attorney
(617) 748-3252

Dated: August 26, 2004

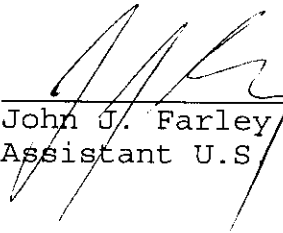
CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts
August 26, 2004

I, John J. Farley, Assistant U.S. Attorney, do hereby certify that I have served the copy of the foregoing by U.S. mail, postage prepaid to the following:

Charles McGinty, Esq.
Federal Defender Office
408 Atlantic Avenue
Boston, MA 02210
Fax - (617) 223-8080



John J. Farley
Assistant U.S. Attorney